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*Attorneys for Defendant Facebook, Inc.*

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

MAXIMILIAN KLEIN, et al., on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

FACEBOOK, INC., a Delaware Corporation  
headquartered in California,

Defendant.

Case No. 5:20-cv-08570-LHK

**DECLARATION OF DAVID Z.  
GRINGER IN SUPPORT OF  
DEFENDANT FACEBOOK, INC.'S  
ADMINISTRATIVE MOTION FOR  
LEAVE TO FILE STATEMENT OF  
RECENT DECISION**

Judge: Hon. Lucy H. Koh

1 I, David Z. Gringer, declare as follows:

2 1. I am a partner at Wilmer Cutler Pickering Hale and Dorr LLP. I represent  
3 Defendant Facebook, Inc. in the above-captioned action.

4 2. On December 7, 2021, I emailed counsel for Plaintiffs regarding whether Plaintiffs  
5 would agree to stipulate to the submission in the above captioned case of the Ninth Circuit's  
6 December 2, 2021, decision in *City of Oakland v. Oakland Raiders, et al.*, No. 20-16075, 2021  
7 WL 5707683 (9th Cir. Dec. 2, 2021), as a recent, relevant judicial opinion. Later that same day,  
8 counsel for Plaintiffs provided the following response: "while Plaintiffs do not agree with  
9 Facebook's statement as to the relevance of the *City of Oakland* decision to Facebook's pending  
10 motion to dismiss, Plaintiffs take no position as to Facebook's administrative motion."

11 I declare that the foregoing is true and correct under penalty of perjury.

12 Executed on this 7th day of December, 2021, in New York, NY.

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14 By: /s/ David Z. Gringer  
15 David Z. Gringer  
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**SIGNATURE ATTESTATION**

I am the ECF User whose identification and password are being used to file the foregoing.  
Pursuant to Civil Local Rule 5-1(h)(3), I hereby attest that the other signatories have concurred in  
this filing.

Dated: December 7, 2021

By: /s/ Sonal N. Mehta  
Sonal N. Mehta